

ANDERSON KILL P.C.

Cort T. Malone, Esq.
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*Insurance Counsel to the Debtors and
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**TWELFTH MONTHLY FEE STATEMENT OF ANDERSON KILL P.C.,
INSURANCE COUNSEL TO THE DEBTORS,
FOR THE PERIOD FEBRUARY 1, 2020 THROUGH FEBRUARY 29, 2020**

Anderson Kill P.C., insurance counsel to the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”), submits this fee statement for the period February 1, 2020 through February 29, 2020 (the “**Twelfth Fee Statement**”)² pursuant to the Court’s *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained By Order of this Court, dated December 18, 2018 [Docket No. 345]* (the “**Administrative Order**”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill previously has billed the Debtors and been paid as ordinary course counsel pursuant to this Court’s Orders [Docket Nos. 242 and 496] for the period from September 7, 2018 through December 31, 2020.

Pursuant to the Administrative Order, responses to the Twelfth Fee Statement, if any, are due by March 27, 2020.

Dated: March 17, 2020

Respectfully submitted,

ANDERSON KILL P.C.

/s/ Cort T. Malone

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Mark D. Silverschotz, Esq.
1251 Avenue of the Americas
New York, New York 10020
(212) 278-1000 (Telephone)
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*Insurance Counsel to the Debtors and
Debtors-in-Possession*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

IN RE: Duro Dyne National Corp., et al.¹

APPLICANT: Anderson Kill P.C.

CASE NO.: 18-27963 (MBK)

CLIENT: Chapter 11 Debtors

CHAPTER: 11

CASE FILED: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION UNDER
PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

RETENTION ORDER(S) ATTACHED²

**TWELFTH MONTHLY FEE STATEMENT OF ANDERSON KILL P.C.,
INSURANCE COUNSEL TO THE DEBTORS, FOR THE PERIOD
FEBRUARY 1, 2020 THROUGH FEBRUARY 29, 2020**

**SECTION I
FEE SUMMARY**

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUS FEES REQUESTED	<u>\$437,529.50</u>	<u>\$835.73</u>
TOTAL FEES ALLOWED TO DATE	<u>\$416,251.00</u>	<u>\$835.73</u>
TOTAL RETAINER REMAINING ³	N/A	N/A
TOTAL HOLDBACK (IF APPLICABLE)	<u>\$21,278.50</u>	N/A
TOTAL RECEIVED BY ANDERSON KILL	<u>\$393,266.60</u>	<u>\$835.73</u>

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill was retained in these chapter 11 cases to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York, pursuant to the *Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated November 1, 2018 [Docket No. 242] and *Amended Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated February 28, 2019 [Docket No. 496] (collectively, the "OCP Orders").

³ Prior to the Petition Date, Anderson Kill was retained to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York. Anderson Kill was paid for all amounts owed for legal services rendered prior to the Petition Date and held no retainer thereafter for services and expenses incurred during these Chapter 11 Cases.

FEE TOTALS - PAGE 2	\$11,362.40
DISBURSEMENTS TOTALS - PAGE 3	+ \$ 0.00
TOTAL FEE APPLICATION	\$11,362.40
MINUS 20% HOLDBACK	- \$2,272.48
AMOUNT SOUGHT AT THIS TIME	\$9,089.92

Name of Professional	Year Admitted	Title/Department	Hours	Rate	Fee
Cort T. Malone	2003	Shareholder/Insurance	24.90	745.00	\$18,550.50
Credit Applied					\$7,188.10
Total Fees			24.90		\$11,362.40
Attorney Blended Rate				\$745.00	

SECTION II SUMMARY OF SERVICES

SERVICES RENDERED	HOURS	FEES
Drafting and Editing Briefing and Submissions	3.50	\$2,607.50
Settlement Negotiations, Analyses, and Meetings	7.40	\$5,513.00
Insurance Case Work	14.00	\$10,430.00
SERVICE TOTALS	24.90	\$18,550.50

SECTION III SUMMARY OF DISBURSEMENTS

	AMOUNT
N/A	\$0.00
TOTAL DISBURSEMENTS	\$0.00

SECTION IV CASE HISTORY

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. §506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 1, 2018, effective as of September 7, 2018 [Docket No. 242].
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:

Anderson Kill's primary focus has been in connection with the insurance coverage litigation pending in New York State Supreme Court, Suffolk County, captioned *The North River Insurance Company v. Duro Dyne National Corporation, et al.*, Index No. 062947/2013. In connection with these Chapter 11 cases, however, the Debtor has called upon Anderson Kill to offer advice, draft and review pleadings, and otherwise become engaged at the confluence of insurance coverage and bankruptcy issues. Accordingly, given the manner in which the Chapter 11 Cases have experienced an extended tenure before the Bankruptcy Court, Anderson Kill's aggregate work product expanded beyond that which reasonably was anticipated at the commencement of the case, including:

- a) Anderson Kill reviewed and analyzed the insurance companies' requests for production of documents, participated in drafting and editing the responses to same and discovery requests to be served on the insurance companies;
- b) Anderson Kill attended to a stay relief motion, including briefing in support of stay relief strategy and preparing for and attending a hearing on the stay motion;
- c) Anderson Kill provided input regarding confirmation issues, including attendance at portions of the confirmation hearings;
- d) Anderson Kill prepared for, attended, and argued at other hearings, including the claims valuation hearing;
- e) Anderson Kill prepared for and participated in settlement negotiations, drafting and editing settlement agreements, and mediation submissions regarding North River's and other insurance company claims;
- f) Anderson Kill worked on briefing and other necessary submissions, including research, drafting, and editing same;
- g) Anderson Kill prepared for court hearings, including necessary research and preparation for oral arguments;

- h) Anderson Kill attended to various claims issues, including (i) the estimation and treatment of insurance company claims; and (ii) reviewing and analyzing North River Insurance Company's 3018 motion and preparing and filing an objection thereto; and
- i) Anderson Kill performed all other legal services for the Debtors that were necessary and proper in these proceedings and in furtherance of the Debtors' needs.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (100%)
- (B) SECURED CREDITORS: (100%)
- (C) PRIORITY CREDITORS: (100%)
- (D) GENERAL UNSECURED CREDITORS: (100%)

(6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: March 17, 2020

/s/ Cort T. Malone
Cort T. Malone, Esq.

EXHIBIT A

Professional services rendered by Anderson Kill P.C. from
February 1, 2020 through February 29, 2020

Anderson Kill P.C.

1251 Avenue of the Americas, New York, NY 10020
(212) 278-1000 EIN:13-2743351
E-Mail: Accounting@andersonkill.com

DURO DYNE CORP.
(c/o Howard Gross - Weinberg, Gross & Pergament, LLP)
Duro Dyne Corporation
81 Spence Street
rhinden@durodyne.com
Bay Shore, NY 11706

Invoice No. 301913
Invoice Date: March 16, 2020
Client Matter ID: 102620.DDC02

Attention: Randy Hinden

Billing Attorney: Cort T Malone

INSURANCE

Professional Services:	18,550.50
Costs:	0.00
Total Current Invoice:	18,550.50
Less Credit Applied:	7,188.10
Outstanding Balance from Prior Invoices (see listing):	28,730.50
Total Amount:	40,092.90

Anderson Kill P.C.

1251 Avenue of the Americas, New York, NY 10020
(212) 278-1000 EIN:13-2743351
E-Mail: Accounting@andersonkill.com

March 16, 2020

Invoice No.

301913

MATTER: INSURANCE

INVOICE LIST

INVOICE	DATE	INVOICE TOTAL
301600	02/28/20	28,730.50
OUTSTANDING BALANCE FROM PRIOR INVOICES		28,730.50

Anderson Kill P.C.

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(c/o Howard Gross - Weinberg, Gross & Pergament, LLP)
Duro Dyne Corporation
81 Spence Street
rhinden@durodyne.com
Bay Shore, NY 11706

Billing Attorney Cort T Malone

Invoice No. 301913
Invoice Date March 16, 2020

Client Matter #: 102620.DDC02

RE: INSURANCE

FOR PROFESSIONAL SERVICES RENDERED THROUGH February 29, 2020

Date	Professional	Narrative	Hours	Rate	Amount
02/03/20	CTM	Follow up with JP re NR settlement issues. Continued research re allocation law issues, NY cases re same.	1.90	745.00	1,415.50
02/04/20	CTM	Emails exchanged with client and JP re ongoing case issues. Follow up with court and counsel re 3/19 hearing in insurance case.	0.60	745.00	447.00
02/05/20	CTM	Emails exchanged re call with ACC counsel. Continued case law research into key allocation issues.	1.90	745.00	1,415.50
02/06/20	CTM	Prep and calls with JP and ACC counsel. Follow up with Jeff re settlement strategy and options going forward.	1.60	745.00	1,192.00
02/10/20	CTM	Continued research and preparation for insurance case argument on allocation issues.	1.80	745.00	1,341.00
02/12/20	CTM	Research into Y law on number of occurrences for asbestos claims issues.	1.40	745.00	1,043.00
02/18/20	CTM	Follow up re materials needed for updated bankruptcy filing.	0.40	745.00	298.00
02/19/20	CTM	Emails exchanged with re call on settlement issues. Continued research and outlining case law arguments re insurance hearing issues.	2.80	745.00	2,086.00
02/20/20	CTM	Continued follow up re latest bankruptcy filing. Drafted submission re same and sent to LS for review.	2.60	745.00	1,937.00

Date	Professional	Narrative	Hours	Rate	Amount
02/21/20	CTM	Emails exchanged with LS re today's filings and reviewed edits to same. Prep and calls with client and JP re settlement strategy and plan going forward. Call with NR counsel re same. Continued research and outlining cases for upcoming argument.	3.40	745.00	2,533.00
02/24/20	CTM	Emails exchanged with JP and NR counsel.	0.20	745.00	149.00
02/25/20	CTM	Prep and calls with JP and NR counsel. Emails exchanged with client. Prep and call with JP and ACC counsel. Emails exchanged with client re same. Continued research and work on arguments for insurance case.	3.40	745.00	2,533.00
02/26/20	CTM	Emails exchanged re case status, including bankruptcy and insurance case issues and updates. Continued research re same and prep for insurance case argument.	2.90	745.00	2,160.50

Total Fees: **18,550.50**

SUMMARY OF PROFESSIONAL SERVICES

PROFESSIONAL	HOURS	RATE	AMOUNT
Cort T Malone	24.90	745.00	18,550.50
	24.90		18,550.50

TOTAL CURRENT BILLING: **\$ 18,550.50**

Anderson Kill P.C.

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Duro Dyne Corporation
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Bay Shore, NY 11706

MATTER: 102620. DDC02
INVOICE: 301913

March 16, 2020

MATTER: INSURANCE

REMITTANCE COPY

Professional Services	18,550.50
Costs:	0.00
Total Current Invoice:	18,550.50
Less Credit Applied:	7,188.10
Outstanding Amount From Prior Invoices:	28,730.50
TOTAL AMOUNT DUE:	40,092.90

PLEASE SEND YOUR REMITTANCE TO US AT:

Anderson Kill P.C.
1251 Avenue of the Americas
New York, NY 10020

OR, IF MORE CONVENIENT, YOU MAY WIRE THE FUNDS TO

BANK: WELLS FARGO BANK, N.A.
ABA NUMBER: 121000248
CREDIT TO: ANDERSON KILL P.C.
OPERATING ACCOUNT
ACCOUNT NUMBER: 2000037634722
INTERNATIONAL SWIFT CODE: WFBIUS6S

KINDLY INDICATE:

CLIENT NUMBER: 102620
INVOICE NUMBER: 301913
YOUR FIRM NAME: DURO DYNE CORP.

THIS INVOICE IS PAYABLE UPON RECEIPT

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE